

03-287 WILKINSON V. DOTSON

DECISION BELOW: 300 F3d 661 and 329 F3d 463

LOWER COURT CASE NUMBER: 00-4033, 00-4051

QUESTION PRESENTED:

This petition arises from one of the many cases considering which prisoner claims are barred by Heck v. Humphrey, 512 U.S. 477 (1994). Heck holds that a prisoner cannot advance a claim under 42 U.S.C. § 1983 where success on that claim would "necessarily imply the invalidity of his conviction or sentence...unless...the conviction or sentence has already been invalidated." Id. at 487. This is Heck's so-called "favorable termination requirement." The Sixth Circuit concluded below that Heck's favorable termination requirement does not cover claims challenging parole procedures because success on those claims would not necessarily guarantee speedier release, but instead would provide only a new parole hearing. This raises the following questions:

1. When a prisoner invokes § 1983 to challenge parole proceedings, does Heck v. Humphrey's favorable termination requirement apply where success by the prisoner on the claim would result only in a new parole hearing and not necessarily guarantee earlier release from prison?
2. Does a federal court judgment ordering a new parole hearing "necessarily imply the invalidity of" the decision at the previous parole hearing for purposes of Heck v. Humphrey?

CERT. GRANTED 3/22/2004